

## REMARKS

The Office action dated November 20, 2002 has been reviewed and the comments therein carefully considered. Applicant submits this amendment after final rejection in the belief that it should place the application in condition for allowance or better condition for appeal. Therefore, entry of the amendment and substitute drawing is respectfully requested.

In the Office action, objection is made to the drawing for the reasons set forth in paragraph 1. By the accompanying drawing, Applicant submits a substitute Fig. 1 which is believed to supply the necessary structural detail as required. Entry of the substitute drawing is respectfully requested. Formal drawings will be submitted upon allowance of the claims.

In addition, claims 11-16 have been objected to with respect to several purported informalities as set forth in paragraph 5 in the Office action. By the accompanying amendment, Applicant submits amendments to the claims which are believed to address the issues set forth in the Office action with respect to the purported informalities. Entry of the claims is respectfully requested.

Claims 1-9, 11 and 12 have been rejected under 34 USC § 102 as allegedly anticipated by JP-9112636. This rejection is respectfully traversed.

The Japanese patent document cited as a reference is not believed to anticipate the claims of the present invention because it does not disclose all of the features set forth in the claims, as required in a rejection under 35 USC § 102. In particular, the cited reference does not disclose means for supplying fluid from the exterior of the hub to the first face of the piston. It is pointed out that the transmission disclosed in the Japanese patent document appears to internally supply oil to the piston via the central shaft S3. This arrangement has limitations in terms of heat control and requires a separate fluid (and supply) within the hub in contrast with the present invention which sources fluid through the outer casing which allows for transmission fluid used in a transmission to be used as the fluid supply for the gearbox adaptor. The advantage of Applicant's invention is that the fluid used by the gearbox adaptor can be circulated for cooling, which is essential for the proper operation of the clutch.

Claim 10 has been rejected under 35 USC § 103 over the Japanese patent document, previously mentioned, in view of Stieg (U.S. Patent No. 4,462,271). This rejection is respectfully traversed.

In the rejection, it is argued that it would be obvious to one of ordinary skill in the art at the time the invention is made to modify the adaptor of the primary reference to include pneumatic fluid as taught by Stieg, in order to provide an alternate source of power to operate the piston of the clutch assembly. However, the combination still does not disclose all of the features of the claimed invention, including the means for supplying fluid from the exterior of the hub to the first face of the piston. Moreover, the structure of Stieg is dissimilar to the structure of the primary reference, and Applicant's invention, and the combination as suggested would not be obvious in the absence of Applicant's disclosure.

Claims 13-16 have been rejected under 35 USC § 103 as unpatentable over the Japanese document, previously mentioned, in view of Patton et al. (U.S. Patent No. 4,843,902). This rejection is respectfully traversed.

Patton et al. is directed to a control system for a multi-speed power shaft that includes multiple hydraulically actuated speed range clutches and directional clutches including a control valve having a solenoid operated valve for conducting pressure fluid to a selected one of the speed range clutches. Neither the Japanese patent document, or indeed Stieg, disclose a gearbox adaptor with the structure as specifically set forth in Applicant's independent and dependent claims. Furthermore, none of the references disclose the advantages of Applicant's invention in terms of heat control inasmuch as providing fluid through the outer casing allows for transmission fluid used in the transition to be used as the fluid supply for the gearbox adaptor and, in turn, this fluid can be used by the gearbox adaptor and circulated for cooling. The cooling function is essential for proper operation of the clutch and the arrangement disclosed and claimed by Applicant is not described in any of the cited references and is not obvious to one skilled in the art.

Applicant respectfully submits that the rejection under 35 USC § 103 therefore falls short of the burden required in forming a rejection to "present evidence... that one of ordinary skill in the art would have been led to combine the relevant teachings of the references in the

proposed manner to arrive at the claimed invention." *In re Levengood*, 28 USPQ2d 1300, 1301 (PTO Board of Appeals and Interferences 1993). The final rejection does not meet the burden placed on the U.S. Patent and Trademark Office under 35 USC § 103 to establish a *prima facie* case of obviousness in the rejection of all of the claims pending in the application. The first criteria for such obviousness under MPEP § 706.02(j) is that there must be suggestion and motivation either in the references themselves or in the knowledge generally available in the art to modify the references or to combine the references' teachings.

In view of the foregoing remarks, it is respectfully submitted that the application is now condition for allowance and, accordingly, reconsideration and allowance are earnestly solicited. If any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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VGG/llb  
Enclosure  
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